



Washington, D.C. 20201

Dear Tribal Leader,

**MAR 19 2001**

We are pleased to announce that there will be at least four regional and one national consultation session with tribal representatives as part of a study to determine the feasibility of a tribal self-governance demonstration project for programs of the U. S. Department of Health and Human Services (HHS). The dates and locations of the meetings are enclosed. You are invited to participate in one or more of these sessions.

The study requires consultation with tribes, states, counties, municipalities, program beneficiaries, and interested public interest groups. The Tribal Self-Governance Advisory Committee and HHS will co-chair the consultation sessions. During the sessions, we will be seeking views on the feasibility of a demonstration project, including which HHS programs might be included in a demonstration, and on design issues such *as* accountability and quality.

In the way of background, tribal self-governance in HHS is currently applicable to Indian Health Service programs. Congress, however, expressed interest in extending self-governance to other HHS programs by passing the *Tribal Self-Governance Amendments of 2000* (P.L. 106-260). Title VI of the *Amendments* (copy enclosed) requires "a study to determine the feasibility of a tribal self-governance demonstration project for appropriate programs, services, functions, and activities (or portions thereof) of the Department." This means that HHS must assess the feasibility of a self-governance project for tribal shares of HHS programs, such as Head Start and Child Welfare. A report to Congress on the findings of the study is due in February 2002.

We hope that you can join us for one of these sessions. An agenda, briefing materials and details on the meeting sites and hotel availability will follow within two weeks.

If you have questions, or need additional information, please contact Michael Herrell, Department of Health and Human Services (202-690-5739), or Maureen Kinley, Coordinator Self-Governance Communication and Education Project, (360) 384-2301. You can also access the Self-Governance website at HHS (<http://aspe.hhs.gov/SelfGovernance/index.htm>).

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Deputy Assistant Secretary for  
Planning and Evaluation, HHS

Merle Boyd  
Chairman, Tribal Self-Governance  
Advisory Committee

Enclosures

## **TRIBAL SELF-GOVERNANCE FEASIBILITY STUDY CONSULTATION SCHEDULE**

**Friday, April 13, 2001  
9:00 A.M. - 5:00 P.M.**

**Minneapolis, MN**

Regional Consultation for Aberdeen, Albuquerque, Bemidji, and Billings Area Tribes  
(HHS Regions II, V, VII and VIII)

**Thursday, April 26, 2001  
9:00 A.M. - 5:00 P.M.**

**Nashville, TN**

Regional Consultation for Nashville and Oklahoma Area Tribes  
(HHS Regions, I, III, IV, and VI)

**Tuesday, May 1, 2001  
9:00 A.M. - 5:00 P.M.**

**San Francisco, CA**

Regional Consultation for Navajo, Phoenix, Tucson, Sacramento and Portland Area Tribes  
(HHS Regions IX and X)

**Thursday, May 3, 2001  
9:00 A.M. - 5:00 P.M.**

**Anchorage, AK**

Regional Consultation for Alaska Native Villages  
(HHS Region X)

**Thursday, June 14, 2001  
9:00 A. M. - 5:00 P.M.**

**Washington, DC**

National Wrap-Up Session - This session will allow those not able to attend the regional meetings a further opportunity for input. Participants also will have the chance to see and react to the recommendations that have emerged from the previous sessions.  
(All IHS Areas and All HHS Regions)

Section 5. Amends “The Indian Self-Determination and Education Assistance Act” by adding at the end the following:

“TITLE VI--TRIBAL SELF-GOVERNANCE--DEPARTMENT OF HEALTH AND HUMAN SERVICES

“SEC. 601. DEFINITIONS.

“(a) In General.--In this title, the Secretary may apply the definitions contained in title V.

“(b) Other Definitions.--In this title:

“(1) Agency.--The term ‘agency’ means any agency or other organizational unit of the Department of Health and Human Services, other than the Indian Health Service.

“(2) Secretary.--The term ‘Secretary’ means the Secretary of Health and Human Services.

“SEC. 602. DEMONSTRATION PROJECT FEASIBILITY.

“(a) Study.--The Secretary shall conduct a study to determine the feasibility of a tribal self-governance demonstration project for appropriate programs, services, functions, and activities (or portions thereof ) of the agency.

“(b) Considerations.--In conducting the study, the Secretary shall consider--

“(1) the probable effects on specific programs and program beneficiaries of such a demonstration project;

“(2) statutory, regulatory, or other impediments to implementation of such a demonstration project;

“(3) strategies for implementing such a demonstration project;

“(4) probable costs or savings associated with such a demonstration project;

“(5) methods to assure quality and accountability in such a demonstration project; and

“(6) such other issues that may be determined by the Secretary or developed through consultation pursuant to section 603.

“(c) Report.--Not later than 18 months after the date of the enactment of this title, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives. The report shall contain--

“(1) the results of the study under this section;

“(2) a list of programs, services, functions, and activities (or portions thereof ) within each agency with respect to which it would be feasible to include in a tribal self-governance demonstration project;

“(3) a list of programs, services, functions, and activities (or portions thereof ) included in the list provided pursuant to paragraph (2) that could be included in a tribal self-governance demonstration project without amending statutes, or waiving regulations that the Secretary may not waive;

“(4) a list of legislative actions required in order to include those programs, services, functions, and activities (or portions thereof ) included in the list provided pursuant to paragraph (2) but not included in the list provided pursuant to paragraph (3) in a tribal self-governance demonstration project; and

“(5) any separate views of tribes and other entities consulted pursuant to section 603 related to the information provided pursuant to paragraphs (1) through (4).

“SEC. 603. CONSULTATION.

“(a) Study Protocol.--

“(1) Consultation with Indian tribes.--The Secretary shall consult with Indian tribes to determine a protocol for consultation under subsection (b) prior to consultation under such subsection with the other entities described in such subsection.

“(2) Requirements for protocol.--The protocol shall require, at a minimum, that--

“(A) the government-to-government relationship with Indian tribes forms the basis for the consultation process;

“(B) the Indian tribes and the Secretary jointly conduct the consultations required by this section; and

“(C) the consultation process allows for separate and direct recommendations from the Indian tribes and other entities described in subsection (b).

“(b) Conducting Study.--In conducting the study under this title, the Secretary shall consult with Indian tribes, States, counties, municipalities, program beneficiaries, and interested public interest groups, and may consult with other entities as appropriate.

“SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary to carry out this title, Such sums shall remain available until expended.”.